

NOTICE OF OPEN MEETING

AGENDA

3rd Meeting

DATE: Tuesday, February 24, 2015

TIME: 9:00 a.m.

PLACE: Rhode Island Ethics Commission

Hearing Room - 8th Floor

40 Fountain Street

Providence, RI 02903

1. Motion to approve minutes of Open Session held on February 3, 2015.

2. Advisory Opinions:

a.) Robert R. Moreau, a member of the Woonsocket City Council, requests an advisory opinion regarding whether he may represent himself before the Woonsocket Board of Tax Review to appeal the tangible property tax assessed against a business that he owns.

b.) Philip M. Overton, a member of the Westerly Town Council, requests an advisory opinion regarding whether the Code of Ethics prohibits his participation in the Town Council's discussions and decision making relative to litigation involving Westerly Granite Company, LLC, given his insurance agent-client relationship with one of the owners of Westerly Granite Company, LLC.

c.) Wendy A. Regan, a member of the North Providence Planning Board, requests an advisory opinion regarding whether the Code of Ethics prohibits her from participating in the Planning Board's consideration of the Washington Trust Company's application to construct a bank on Mineral Spring Avenue, given that her employer has an ongoing business relationship with the Washington Trust Company.

3. Legislative Update: Review and discussion of pending legislation, and of the Commission's position on same, including:

a.) Joint Resolution 2015 – H 5374 and Joint Resolution 2015 – S 0056: Identical resolutions “to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission).” These resolutions would amend both the Ethics Amendment and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator's alleged violations of the Code of Ethics that involve core legislative

acts.

b.) Joint Resolution 2015 – S 0173: A resolution “to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission).” This resolution would amend both the Ethics Amendment and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator’s alleged violations of the Code of Ethics that involve core legislative acts. However, unlike the joint resolutions set forth in section 3(a) of this agenda, this resolution would also: (1) provide speech in debate immunity when a legislator discusses or debates, whether verbally or in writing, any matter within his or her core legislative duties; and (2) provide for a right to a trial de novo in court to any person against whom the Ethics Commission finds in violation of the Code of Ethics.

c.) House Bill 2015 – H 5306: An Act relating to public officers and employees – Code of Conduct. This act would establish a “code of conduct” for all of the people who are subject to the existing Code of Ethics. This code of conduct generally requires that public employees and officials demonstrate civility and professionalism in all communications and interactions with the public and with other public officials. The code of conduct would be enforced by the Ethics Commission, and the penalty for a violation of the code of conduct shall be a fine of not more than \$1,000 per offense.

4. Director's Report:

a.) Docket Status Update.

5. Motion to go into Executive Session, to wit:

a.) Motion to approve minutes of Executive Session held on February 3, 2015, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

b.) In re: Lisa Baldelli-Hunt, Complaint No. 2014-13, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

c.) In re: Robert R. Moreau, Complaint No. 2014-11, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

d.) In re: Christopher Warfel, Complaint No. 2014-5, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

e.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on February 24, 2015.

7. Report on actions taken in Executive Session.

8. New Business proposed for future Commission agendas and general comments from the Commission.

9. Adjournment.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.

Posted on February 19, 2015